

ANALYSIS AND FINDINGS FOR
DESIGN REVIEW APPROVAL

Major Issues Identified by Staff

1. **Landscape Plan:** The use and amount of Arborvitae as an appropriate screening planting.
2. **Lighting Plan:** The potential for adverse effects from internal building lighting upon pedestrian and surrounding areas.
3. **Utility Plan:** The need to extend The Round's hydronic heating and cooling system line further to the north.

Section 40.20.05. Design Review Applications; Purpose

The purpose of Design Review is to encourage originality, flexibility, and innovation in development, site planning, buildings, structures, and landscaping. It is intended that monotonous, drab, unsightly, dreary and inharmonious development will be discouraged. Design Review is also intended to conserve the City's natural amenities and visual character by insuring that proposals are properly related to their sites and to their surroundings by encouraging compatible and complementary development. This Section is carried out by the approval criteria listed herein.

Section 40.20.15.3.C Approval Criteria

In order to approve a Design Review Three application, the decision making authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following criteria are satisfied:

1. ***The proposal satisfies the threshold requirements for a Design Review Three application.***

Facts and Findings:

Section 40.20.15.3.A.7 of the Code requires Type 3 Design Review processing for applications that propose new construction of a new parking structure. The proposed building is an approximately 142,330 sq. ft. parking structure with associated retail space, therefore meeting the threshold for Type 3 processing.

Therefore, staff find that the criterion is met.

2. ***All City application fees related to the application under consideration by the decision making authority have been submitted.***

Facts and Findings:

The applicant paid the \$1,766.00 fee for Design Review application on June 9, 2004.

Therefore, staff find that the criterion is met.

- 3. *The proposal will not obstruct any existing, approved, or Comprehensive Plan identified vehicular, pedestrian, or bicycle connection.***

Facts and Findings:

The DR application has been reviewed by the Facilities Review Committee and found to be in conformance with Development Code standards for circulation and in conformance with the Comprehensive Plan for streets. A major pedestrian route abutting the building site is designated on SW Millikan Way. SW Esplanade was removed from the Comprehensive Plan and removed as a future street-right-of-way with the re-platting of the site in 2004. The existing street improvement of Esplanade will be largely removed from the site with parking building development. In the future, SW Rose Biggi Avenue is expected to extend to the north, crossing the LRT trackway.

The Committee has reviewed the proposal with respect to the needs and impacts upon on-site and off-site pedestrian, bicycle and vehicle circulation and find that the applicant proposes as part of this application the necessary pedestrian accessways, in excess of the minimum width of 8 feet, as part of the overall circulation system for The Round. Previously, the developer has constructed streets such as SW Crescent Street, and street extensions such as SW Millikan Way, in accordance with the Functional Classification Plan map of the Comprehensive Plan. The location of the South Parking building does not block or limit the use of any pedestrian, bicycle or vehicle routes that is identified on by the Plan.

Therefore, staff find that the criterion is met.

- 4. *That, in relationship to the existing surroundings and future allowed uses, the location, size, shape, height and spatial and visual arrangement of the uses and structures are compatible, with consideration given to increased setbacks, building heights, shared parking, common driveways and other similar considerations.***

Facts and Findings:

The South Parking building is a portion of the larger, mixed-use development known as The Round at Beaverton Central that is centered around the “Beaverton Central” LRT station. The building is designed in coordination with existing architectural and other design elements of the site. The Round is supported by and is designed, in part, to meet regional growth policies that encourage mixed-use development in close proximity

to transit that is more compact, less land consumptive, and provides a high level of pedestrian amenities.

The design of the Round includes a centralized hydronic heating and cooling system, whereby the central plant located in the South Office building provides heating and cooling to all existing and to all future buildings within The Round. The hydronic system is provided in ductile iron pipe underground, beneath building foundations. The utility plan for the South Parking building illustrates the location of the proposed line across the site, but shows the line extending only to a point midway between the proposed building and the 24 Hour Fitness building. Staff find that in order for the development of The Round to proceed in an orderly fashion, the hydronic utility line needs to extend all the way up to the edge of lots remaining for development south of the LRT tracks. Considering that the current Design Review application for the parking building also includes the construction of the pedestrian accessways on the east, west, and north sides of the building, the construction of necessary utility lines underneath those accessways needs to occur prior to, or with construction of the parking building. Such construction would ensure that the location and design of improvements the parking building phase is coordinated with future uses in subsequent development phases of The Round. Such construction would also serve to prevent the unnecessary removal and re-construction of pedestrian accessway improvements. Therefore, staff recommend a condition of approval requiring that the hydronic line be constructed, at a minimum, to the boundary of Lot 6 of The Round, (Tax Lot 8400), which is an appropriate location to allow for subsequent future extensions for development on Lots 5 and 6 (Tax Lots 8300 and 8400, respectively). By adopting the condition, staff find that the proposal will adequately provide common, shared facilities so that the needs of future allowed uses on adjacent lots are met.

The design proposed by the applicant provides the desirable features of a transit oriented, mixed use development. The proposal continues the site's overall orientation which focuses development and pedestrian improvements on a central pedestrian plaza bisected by light rail station platforms. The overall site layout south of the light rail transit (LRT) tracks includes at least five pedestrian/bicycle accessways that act as connecting spokes between transit and the adjacent streets along the site perimeter, such as SW Millikan. Wide pedestrian ways and connecting pathways will link all uses on the site, and to the Beaverton Central Light Rail station and the existing public street system

At the north edge of the South Parking building, future development phases show an open space plaza south of the LRT station platform. The current proposal will provide two of the five primary accessway links, described above, to the station and nearby buildings. Open space with pedestrian activity is the primary purpose of the accessways and plazas so that open space is not extensive immediately surrounding the parking building, except that smaller pedestrian spaces are provided, such as an area along the Millikan street frontage. Landscaping and decorative lighting, railings,

seating and pavement treatments have been placed throughout portions of The Round that are constructed with permanent improvements, with the South Parking site receiving the same coordinated landscape treatment and site furniture.

The design of The Round as a whole meets the intent of the City's base zone (RC-TO), and utilizes substantial flexibility provided by the previous PUD and fee-ownership subdivision approvals, to create higher residential densities, a pedestrian oriented development and open space. The South Parking building will meet all of the Development Code standards as a stand-alone project, if the Major Adjustment for increased building height is approved.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

- 5. That there is a desirable, efficient and workable interrelationship among buildings, building entrances, transit stops, transit facilities and routes, parking, loading areas, circulation, open spaces, landscaping and related activities and uses on the site.***

Facts and Findings:

Staff cite the findings under Design Review Criteria #3 and #4 above, and Facilities Review Criteria #4, #6 and #7 as applicable, as they satisfactorily describe the proposal by the applicants as it relates to transportation, parking and circulation.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

- 6. For Significant Natural Resource sites, that treatment of the natural features which have been identified on the site as part of the City's natural resources inventory process, and the siting and design of buildings and other improvements, are appropriate to protect such features.***

Facts and Findings:

The site of the South Parking building is not designated as a Significant Natural Resource Area (SNRA).

Therefore, staff find the criterion is not applicable.

- 7. That the development has been designed to, where possible, incorporate and preserve existing trees and vegetation of significant***

size and species. Consideration shall be given to whether wildlife habitat preservation, survival of the tree species, and aesthetics can best be achieved by preserving groves or areas of trees as opposed to only individual trees.

Facts and Findings:

The site has been previously graded and does not contain any trees, and does not contain vegetation of substantial size. Retention of existing vegetation determined to provide habitat value is located within the wetland mitigation site north of The Round. The current proposal does not affect any landscape element of the wetland mitigation site.

Therefore, staff find the criterion is not applicable.

- 8. *That the proposed development does not detract from the existing character of historic buildings or features both on the site and within the immediate area.***

Facts and Findings:

The site does not contain an historic resource and is not located within the Downtown Beaverton Historic District.

Therefore, staff find the criterion is not applicable.

- 9. *That grading and contouring of the site shall take place with particular attention to minimizing the possible adverse effect of grading and contouring on the natural vegetation and physical appearance of the site.***

Facts and Findings:

Grading of the site has been approved in 1997 and again in 2002. The site has been graded to provide for the temporary valet parking lot that currently occupies the site. The applicant proposes to commence preparations of the site for construction and to provide the building pad for the structure with a finished ground floor elevation of approximately 178 feet above sea level, as conditioned by the Facilities Review Committee. Minor grading is needed to prepare the site for street, sidewalk and improvements to private property such as landscape and plaza areas. The proposed grading is consistent with other site improvements within The Round.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

10. That the quality, location, size and aesthetic design of walls, fences, berms, traffic islands, median areas, hedges, screen planting and landscape areas have minimal adverse effect on existing or approved abutting land uses.

Facts and Findings:

The site work proposed does not include retaining walls, medians, berms or similar site features. Relatively minor landscaping is proposed, as it is generally appropriate for the urban, pedestrian oriented design that is proposed for the South Parking building site, as part of The Round. The landscape plan relies on trees and shrubs for visual relief and the screening of parking building ground floor openings that is needed. Due to the high quality of architectural materials, finishes of the building, and the desirable treatment of paved plaza areas and pedestrian walkways, heavy screening of the building or site is not necessary.

The two tree varieties, Crimean Linden (street trees) and Karpick Maple are used elsewhere in The Round and so will be consistent with site surroundings.

As part of the overall landscape concept for The Round, the pedestrian walkways areas are designed to have substantial open areas to take advantage of sunlight and not increase the amount of shade. The open portion of the pedestrian walkways are shown to be 20 feet wide, generally centered within a space of 50 feet on the west (near the South Office building) and within a space on the east that tapers from 55 to 30 feet near the 24 Hour Fitness building. The applicant indicates that existing landscape plants along the west elevation of the 24 Hour Fitness building can remain and that those plants will tolerate the increased shade of the proposed building. On the east elevation of the proposed building, three of four service doors are located behind shrub beds located away from the building, where trees and arborvitae will provide partial, and adequate screening of service entrances.

The use of the Arborvitae appears excessive, in consideration of its minimal value as an aesthetic improvement. It is relied on as the primary plant to screen the proposed building, especially on the east side. Staff find that arborvitae is a screening plant that is overused in the community, and is typically more appropriate for a side or rear landscaped area where it would be less visible. However in the case of the proposed building, all sides of the structure will be highly visible. The arborvitae, which will grow to have a solid undifferentiated mass, would therefore be excessively uniform and monotonous in appearance. Staff suggest that both the east and west pedestrian accessways should be designed in a manner which invites pedestrians to the center of The Round. Staff further suggest that the proposed landscape plan, with its heavy reliance on arborvitae, does not create an inviting, attractive pedestrian environment. Staff recommend a condition of approval to require a revision to the landscape plan to provide the

necessary screening of the lower building openings by the use of plants that would have substantial visual interest and variety. The condition does not intend to prevent the use of Arborvitae which could be used in a limited number; for instance the use of groupings of up to four (4) arborvitae.

In conclusion, staff find that by adopting a condition of approval with regard to the need for revising the use and location of arborvitae, the design of landscape and hardscape treatments and site furnishings, results in an appropriate site design for within an urban, pedestrian-oriented development.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

11. That proposed lighting is appropriate for the use and does not adversely impact surrounding properties.

Facts and Findings:

The applicant's ground level lighting plan shows site lighting in the vicinity of the parking building along pedestrian accessways and proposed street lights. The accessways (referred to as 'sidewalk' (SW) lights on the plan) indicate ground mounted 39 watt metal halide (MH) fixtures designed to 'wash' the walking surface with illumination. Another type of ground mounted fixture (70 watt MH) is mounted at the base of the building to provide a wash of illumination against the building at evenly spaced locations, that align with vertical architectural elements. Staff find that the overall effect of ground mounted illumination will provide a unique night-time streetscape for the pedestrian. The use of exterior wall illumination will accentuate positive architectural elements while also diminishing the impact of internal illumination from the inside parking levels.

The top deck of the structure will provide illumination for parking, using 15 foot freestanding poles with 100 watt MH single fixtures around the roof edge, and two twin-fixture lights located in the center of the roof deck. The fixtures are proposed using a built-in 'cut-off' design whereby illumination is limited primarily to the direction where lighting is intended; in this case the parking deck and not surrounding areas. Detailed information on top deck illumination is provided, showing an average of 1.61 foot candle, with a sharp cut-off indicated within approximately 5 feet from the roof edge, where illumination does not exceed 0.5 foot-candle.

With regard to pole mounted street lights, the proposal is limited to placement of street lights along the pedestrian accessways, using the distinctive "globe" style street light fixture, (by 'King') with the dark green "Canterbury", pole. This will match the uniform street lighting design existing and planned throughout The Round and abutting streets. Building mounted lighting is not proposed on the plan.

For illumination created by auto headlights within the building, the applicant states that each parking deck internal edge wall is a minimum of three (3) feet in height which will prevent the majority of auto headlights from being visible from the surrounding area. Internal parking deck and garage entry illumination will be provided, whereby staff believe some amount of illumination will likely be visible to pedestrians and the surrounding area from internal ceiling mounted fixtures. Information on the amount and type of this lighting issue has not been submitted by the applicant. It is unclear to what degree the interior lighting of parking levels or garage entry can be limited or screened in order to find the proposed illumination would not provide adverse impacts. Therefore, staff find a condition of approval is necessary, requiring that internal lighting use light shields or other methods, to prevent interior lighting from having adverse visual impacts upon surrounding pedestrian areas, as viewed from outside. Specifically, no direct view of internal light sources (such as bulbs or tubes) should be permitted, which would satisfactorily address the potential for offensive lighting impacts.

In conclusion, staff find that with the condition of approval to address a specific concern about lighting, the applicant's lighting plan will provide unique night-time lighting effects, meeting both functional needs and aesthetic considerations, which are appropriate and desirable in an urban, pedestrian-oriented setting.

Therefore, staff find that by satisfying the conditions of approval, the criterion is met.

12. Applications and documents related to the request, which will require further City approval, shall be submitted to the City in the proper sequence.

Facts and Findings:

The applicant has submitted all of the applications necessary for review of the building and site improvements for the South Parking building. The Type 3 application for Major Adjustment approval has been submitted and will be considered at the same public hearing as the Design Review application, as intended by the Development Code.

Therefore, staff find that the criterion is met.

Additional Criterion for Multiple Use Zoning Districts

Section 40.20.15.3.D, states:

In addition to the provisions of section 40.20, Design Review Three proposals which are located within a multiple-use zoning district shall be subject to the applicable requirements in Section 20.20. In the case of any conflicting requirements, the standards

in Section 20.20 shall prevail.

Section 20.20.50. Site Development Requirements

E. REGIONAL CENTERS

The purpose of the following site development requirements and standards is to support existing and future businesses and development consistent with the intent and purpose of each of the three Regional Center District sub-areas as set forth in this ordinance.

[RC-TO: Section 20.20.43]

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| 3. Yard Setbacks: (in feet) | <i>RC-TO</i> |
| A. <u>Front</u> | |
| 1. Minimum | 0' |
| 2. Maximum for developments without residential units on the ground floor | 5' Major Pedestrian Routes
10' all other streets |
| 3. Maximum for developments with residential units on the ground floor. | 20' |
| B. <u>Side</u> | |
| 1. Minimum | none |
| 2. Maximum | none |
| C. <u>Rear</u> | |
| 1. Minimum | none |
| 2. Maximum | none |
| D. Modification to setback standards: Up to twenty (20) feet additional front yard setback is allowed upon a demonstration that not less than 60% of the additional setback area is used to provide enhanced pedestrian amenities such as plazas, courtyards, benches, street furniture or similar useable pedestrian space. Modifications under this provision may be allowed in addition to other variances and adjustments available under this ordinance. | |

FACTS AND FINDINGS: Setbacks

The applicant states that The Round development has been designed to comply with

the applicable setback standards of the RC-TO zone. SW Millikan Way is a Major Pedestrian Route (MPR). For The Round PUD, SW Watson Avenue is the 'front yard' for setback purposes. The Code provides no setback requirement for a side yard, (SW Millikan). The applicant does not require modifications to the setbacks of the zone under subsection "D" above.

4. *Building Height: (in feet)* **RC-TO**

- A. *Maximum height without 120'*
 An Adjustment or Variance,
 except as provided under
 Section 60.50.10 of this Code.
- B. *Maximum height with an 200'*
 Adjustment or Variance,
 except as provided under
 Section 60.50.10 of this Code.

60.50.10. *Height Regulations.* *The height limitations contained in this ordinance do not apply to normal appurtenances placed on or extending above the roof level, such as spires, belfries, cupolas, chimneys, antennas, ventilators, elevator housing, or other structures; provided, however, that no structure shall be erected which fails to comply with any applicable state or federal law or regulation. (ORD 3293; November 1982) [ORD 4107; May 2000]*

- C. *The height of a stepped or terraced building is the maximum height of any segment of the building.*
- D. *Refer to Section 20.20.60.E.3. for additional height requirements for structures adjacent to Major Pedestrian Routes.*

FACTS AND FINDINGS:

Staff have placed relevant Code standards (from Sec. 20 and 60, above) for building height together for review. Please see findings under Section 20.20.60.E.3., below, for the evaluation of height requirements for structures adjacent to Major Pedestrian Routes.

5. Floor Area:

Floor Area is dependent upon whether residential development is involved or not. Residential - only development is governed by minimum and maximum densities. Whereas non-residential only development and

multiple use development that includes residential floor space, is governed by minimum and maximum Floor Area Ratios. For Multiple Use development, no maximum limitation shall be placed on the number of dwelling units permitted.

RC-TO

- A. *Minimum Floor Area Ratio (FAR) for multiple use or non-residential developments.* 0.60

Projects may use the Conditional Use Permit/Planned Unit Development process to develop a site in phases to achieve the minimum FAR established in this subsection. Such projects must demonstrate in a master plan how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Master Plan.

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| <p><i>D. Maximum Floor Area Ratio</i></p> <p><i>(FAR) for multiple use or non-residential developments with a Conditional Use Permit for a Planned Unit Development.</i></p> | <p><i>Unlimited FAR in all RC zones.</i></p> |
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FACTS AND FINDINGS:

The Code states that there is no limitation on the number of residential units within a multiple use development. The Round PUD has been previously determined to provide, upon build-out, a minimum FAR average of approximately 3.32, thus exceeding the minimum of 0.60 FAR. Staff does not address Code standards for FAR density bonuses or FAR averaging for PUD's because the applicant meets the basic Code standard above, and does not need to average FAR's or apply for a bonus.

With respect to the South Parking building, the building is approximately 142,330 square feet and is located on a lot of 30,056 square feet in size. Therefore, even if calculated separately, the FAR for the proposed building is 5.45, thus meeting (and allowed to exceed) the Code minimum of 0.60.

20.20.60 Supplementary Regulations

- E. REGIONAL CENTER** [ORD 4075; November 1999]
The purpose of the supplementary regulations and standards is to support existing and future businesses and development consistent with the intent

and purpose of each of the three Regional Center District sub-areas as set forth in this ordinance [RC-TO: Section 20.20.43]

1. *Development Standards.*

The following supplementary standards apply to all development within the Regional Center.

A. *Streets that form a boundary of a Multiple Use District for which maximum front yard setbacks shall apply are.*

- 1. Cedar Hills Boulevard*
- 2. Farmington Road*

FACTS AND FINDINGS:

The proposal does not abut either street listed in the Code, and therefore the standard does not apply.

B. *All buildings shall have at least one primary building entrance oriented toward an abutting street, pedestrian way, or if available, a Major Pedestrian Route.*

C. *Building entrances shall incorporate elements that protect pedestrians from the rain and wind, such as arcades, roofs, porches, alcoves, porticos, awnings, or any combination of the foregoing.*

FACTS AND FINDINGS:

A building entrance with entrance canopy is proposed to the Millikan Way sidewalk, which is a Major Pedestrian Route. The design includes other retail building entrances which abut pedestrian accessways and on the north side of the building for retail space where abutting the future south pedestrian plaza. Staff note that the accessways and south plaza accessway are no longer designated as MPR's. To summarize, all entrances will have entry canopies.

D. *Sidewalks are required on all streets. On Major Pedestrian Routes, sidewalks shall be at least ten (10) feet wide and provide an unobstructed path at least six (6) feet wide. All other sidewalks or pedestrian ways shall be at least eight (8) feet wide and provide an unobstructed path at least four (4) feet wide. Larger sidewalk dimensions up to twenty (20) feet are desirable in areas where pedestrian activity will be greatest or where outdoor seating is encouraged, or both.*

FACTS AND FINDINGS:

The MPR that abuts this site is located on SW Millikan Way. The applicant will

provide a 19 foot wide public sidewalk on SW Millikan Way. For comparison, street sidewalks elsewhere in The Round vary between 15 and 20 feet in width. The proposal exceeds the minimum standard and meets the intent of the Code which encourages larger pedestrian areas where desirable. The internal pedestrian accessways are proposed at a minimum width of 20 feet. Therefore, the application meets the Code standard.

E. In residential only developments, a total area equal to at least fifteen (15) percent of site area shall be devoted to outdoor common area(s). This area may include decks, roofs, or balconies, provided such spaces are easily accessible to all residents and landscaped as appropriate for such uses.

FACTS AND FINDINGS:

This proposal is for a mixed-use building. Neither the proposed building or The Round in general is a residential-only development. Therefore this standard does not apply.

F. In Nonresidential and Multiple Use Developments, a total area equal to at least ten (10) percent of the site area shall be devoted to outdoor common area(s). This area may include public arcades, decks, or roof surfaces, provided such areas are easily accessible to the public (for developments that are open to the general public) or building tenants and appropriately landscaped for such uses.

FACTS AND FINDINGS:

Common area and open space has been approved in concept throughout The Round, including the South Parking building site, as part of the PUD. To meet the 10 percent overall common area minimum requirement, approximately 37,462 square feet is required within The Round. Determined over the entire PUD, the applicant will ultimately provide approximately 70,000 square feet, or about 19 percent, of common open space.

To consider the 10 percent common area requirement of the South Parking building as a stand-alone requirement, approximately 3,000 square feet would be required. The applicant proposes to construct two pedestrian accessways east and west of the building, and the north accessway (forming part of the boundary of the future south plaza) at this time. The current proposal will provide over 3,000 square feet of open space and common area. Staff concludes that no matter if the requirement is calculated as part of the PUD or separately, the proposal exceeds the minimum requirement for the provision of common area.

G. Parking lots shall be placed at the side of or behind buildings or behind a landscaped buffer with a minimum depth of five (5) feet from adjacent streets

or pedestrian ways. Pedestrian access from the parking lots to adjacent streets or pedestrian way shall be provided as deemed appropriate within the development review process.

FACTS AND FINDINGS:

All of the parking proposed under the current application is provided within the parking structure. Pedestrian access to parking is proposed from SW Millikan and from the northern portion of the western pedestrian way. All parking customers will use stairways or elevators to reach parking spaces located on 7 floors, without having to walk through retail areas.

H. Off-street loading spaces shall be placed behind or to the side of buildings to avoid blocking pedestrian connections. Loading areas should be visually screened from the street or any pedestrian way by solid walls, or landscaping, or both.

FACTS AND FINDINGS:

Loading berths are not proposed or required. Informal, small scale loading is expected to occur within the building behind the northern retail space. Refuse storage will occur within the building, behind a door located adjacent to the parking garage entry off Millikan Way. Therefore, the loading area is visually screened by its location within the building. The applicant plans to use a rollup door design, similar to that found on the 24 Hour Fitness building.

I. Parking and service areas for nonresidential and multiple use developments shall be screened from adjacent residential areas.

J. Mechanical equipment shall be screened from view.

FACTS AND FINDINGS:

It is yet to be determined by the developer whether the 24 Hour Fitness building will contain residential units. Such units were approved for the building in 2003, so that review of the South Parking building should consider the potential for residential, potentially on the upper three floors of the 24 Hour Fitness building. Parking and service areas are proposed to be screened, primarily by the use of 3 foot high internal walls in the building, by landscaping at the ground level, and by the use of decorative metal louvers at selected building areas on upper and lower levels. Mechanical equipment is proposed to be located within the building and so will not be visible from public rights-of-way.

View of the parking areas within the building, from the outside, is limited to openings in all four exterior elevations and to the garage entry ramp on Millikan Way. The height of the openings relative to the location of head-in parking spaces and the

elevation of parking garage floors, should prevent most all vehicle headlights from being seen from outside the building. Overall, the openings on the parking garage are partially screened by a variety of metal louvers and internal walls, reducing to some extent views of the parking garage by pedestrian outside, while meeting the need to provide air circulation through the garage.

However, it is unclear to what degree the impacts of interior parking structure lighting can be minimized by the design of the building or by the location of light fixtures. Therefore, staff find a condition of approval is necessary, requiring that internal lighting use light shields or other methods to prevent interior lighting from creating adverse visual impacts upon pedestrian areas, as viewed from outside. Staff find that by satisfying the condition of approval, the application meets the requirements for screening.

3. *Development Standards for Major Pedestrian Routes.*

The following standards shall apply to all development, or any development phase, located on a site adjoining a designated Major Pedestrian Route. Major pedestrian routes shall be identified for each Multiple Use District established pursuant to this section.

- A. *Streetscapes for Pedestrians. Development along Major Pedestrian Routes shall be designed to encourage use by pedestrians by providing a safe, comfortable and interesting walking environment. The standards in this section are intended to enhance street safety and pedestrian comfort by providing ground-level features of interest to pedestrians, and by creating an urban streetscape appropriate for a Regional Center.*

Architecture helps define the character and quality of a street and can make a strong statement about the overall city at large. The placement and design of buildings provide the framework for the streetscape and defines the edges of street space.

1. *For Nonresidential and multiple use buildings, at least 50 percent of the surface area of the ground floor elevation facing onto a Major Pedestrian Route, park, plaza or other public outdoor space shall be devoted to windows or doors. Provided that the total combined width of such glazed areas shall equal or exceed 50 percent of the total ground level width of the related building facade. For purposes of these requirements, the height of the ground floor elevation shall be measured from the interior finished ceiling of the fronting space or fourteen (10) feet above grade, whichever is less. Glazed areas shall provide views into retail, office, or lobby space, pedestrian entrances, or retail display windows. For parcels with frontage on more than*

one Major Pedestrian Route, park, plaza or other public outdoor space, the standards of this section shall only apply to one of the multiple frontages, with the other frontages devoted to articulated facades, balustrades or other treatments of architectural interest for the combined width otherwise required for glazed areas.

FACTS AND FINDINGS:

The MPR that abuts the site is SW Millikan Way. The building's location is designed to comply with the Code requirements for building locations, setbacks, elevations and required glazing. A building entrance from the Millikan Way sidewalk has direct access from the MPR. A retail space of approximately 2,700 sq.ft. is proposed along the Millikan Way sidewalk.

The streetscape is enhanced by providing approximately 55 percent glazing to the sidewalk, in excess of the 50 percent requirement within the first 10 feet of elevation. The plan shows a combination of glazing and architectural features, such as the articulated façade and building fenestration, meeting the standard.

2. *For development, or any development phase, which is adjacent to a Major Pedestrian Route, non-residential and non-residential multiple use buildings shall be located so that a minimum of 50 percent of the frontage is occupied by one or more buildings lying within five (5) feet of the special setback line as specified in Section 20.20.50.E.3.D.*

FACTS AND FINDINGS:

The building is a mixed-use development that parking and retail uses. The site (Tax Lot 8600) has approximately 185 feet of MPR street frontage. The building frontage, of 118 feet, provides approximately 64 percent of street frontage with less than a 5 foot setback, exceeding the minimum 50 percent requirement. Therefore, the Code standard is met.

3. *A building shall be located at public street intersections with the building fronting the streets forming the intersection.*

FACTS AND FINDINGS:

The building is not located at an intersection of public streets. Therefore, the standard does not apply.

- B. *Building Entrances. Provide for safe, convenient, direct and identifiable access for pedestrians between Major Pedestrian Routes and adjacent buildings.*

1. *For all buildings in a development, or any development phase, provide a reasonably direct access to a Major Pedestrian Route.*
2. *For those parcels with frontage on more than one Major Pedestrian Route, any new structures shall have an entrance on at least on frontage or one entrance at the corner of the structure facing the intersection of the Major Pedestrian Routes.*
3. *Secondary entries may face on to other streets, off street parking areas or loading areas.*
4. *Nonresidential and multiple use buildings shall provide reasonably direct public pedestrian access from the Major Pedestrian Route. All such entries shall be sheltered with an element such as overhang, awning, or portico with a depth of at least four (4) feet. The sheltering element shall be architecturally integrated into the design of the structure(s).*

FACTS AND FINDINGS:

The MPR abutting the parking structure is SW Millikan Way. Elsewhere within and at the boundaries of The Round are other MPR's. As previously described in this staff report, the building is located and designed so that entrances have either direct or reasonably direct connections, accessible by the public, to Major Pedestrian Routes. All entrances will be provided with metal canopies or fabric awnings, of at least four feet in depth, designed as part of the building. Therefore, the design and location of building entrances meet the applicable Code standards.

- C. *Building Heights. The minimum and maximum building height standards are used to establish building scales along Major Pedestrian Routes in order to achieve a pedestrian-friendly character which supports a wide variety of residential and commercial uses in combination. Buildings which are compatible in terms of scale help to create a harmonious visual setting which enhances the livability of a district and helps to bring about the successful mixing of diverse land uses and activities.*

1. *The height of any portion of a building lying within twenty (20) feet of a Major Pedestrian Route shall not be less than twenty four (24) feet or greater than forty five (45) feet at finished grade of the required ten (10) foot sidewalk. An adjustment of an additional twelve (12) feet in excess of the*

maximum 45 foot building height is permitted for any portion of a building located above the coping, eave or deck line and beneath a plane extending back from the coping, eave or deckline at an angle of thirty (30) degrees from a horizontal plane equal to the height of the coping, eave or deckline. The point from which the thirty (30) degree angle shall be measured is at the 45 foot maximum height, twelve (12) feet from the face of curb.

2. *The height of any portion of a building located within 20 feet of a Major Pedestrian Route shall not exceed a height greater than one-half the width of the abutting right-of-way of the Major Pedestrian Route. An adjustment of an additional twelve (12) feet in excess of the maximum building height is permitted for any portion of a building located above the coping, eave or deck line and beneath a plane extending back from the coping, eave or deckline at an angle of thirty (30) degrees from a horizontal plane equal to the height of the coping, eave or deckline. The point from which the thirty (30) degree angle shall be measured is at the highest permitted elevation at twelve (12) feet from the face of curb.*

FACTS AND FINDINGS:

The South Parking building is stated to be approximately 75 feet in height, although the building elevation drawing indicates a section that is 76.5 feet at the top of parapet. The 76.5 foot figure is the height that staff will analyze within the findings. The building would contain 7 stories, and has a zero setback on SW Millikan Way.

For comparison with previous decisions; as part of the approval of BDR 97027(BCB's Design Review Master Plan for The Round), the Board of Design Review approved a complex of three attached buildings containing a cinema, parking structure and hotel, on the site of the South Parking building and the 24 Hour Fitness building. The height of the BCB buildings approved, but never built, ranged between 70 and 80 feet. The 24 Hour Fitness building, originally approved for 93 feet in height in 2002, was modified by the applicant and approved by the BDR in 2003 (DR 2002-0195 and ADJ 2002-0006) for 78 feet. The South Office Building is 88 feet in height.

Section 20.20.50.E.4 of the Code indicates that buildings within the RC-TO zone are potentially allowed up to 120 feet in height without Adjustment or Variance approval, and up to 200 feet with such approval. The Major Pedestrian Route building height standards of Section 20.20.60.E.3.C.2 limits building height to 30 feet along SW Millikan Way, because the Millikan right-of-way width is 60 feet and building area within 20 feet of the r.o.w. is limited to half that figure, unless otherwise approved.

Therefore, the applicant needs approval of a Major Adjustment (ADJ 2004-0013) for an increase in building height to allow a 76.5 foot high building within 20 feet of a Major Pedestrian Route. The review of building height is contained within the staff report for the Major Adjustment. Approval of the Design Review application is, therefore, subject to the approval of the Major Adjustment. Staff find that by meeting this condition of DR approval, the Development Code standard will be met.

D. Parking Areas and Garages. Garages and off-street surface parking areas shall be designed to be as unobtrusive and as attractive in appearance, as possible. There shall be low bushes or a low wall or berm at the perimeter of surface parking lots to reduce their visibility from the surrounding area. Barriers around the perimeter of a parking lot shall not be so high, however, that it becomes a safety or security problem. Trees shall be used extensively at the perimeter and in the interior of surface parking lots to break up large parking areas and provide shade. Access ways through surface parking lots shall be clearly identifiable through use of different paving materials, grade separation, or landscaping, well lighted, and as short as practicable.

- 1. Off-street parking lots shall be located to the rear or side of buildings. Where feasible, ingress and egress to parking shall be provided from side streets or alleys. When access must be provided directly from a Major Pedestrian Route, driveways for ingress and egress shall be limited to one per 75 feet. For lots with frontage of 75 feet or less, or lots abutting lots with a frontage of 75 feet or less, shared access shall be provided. In the event lot dimensions or the presence of multiple Major Pedestrian Route frontages make application of these standards impractical and notwithstanding the adjustment process, a Design Variance may be granted during review and approval of a Design Plan.*
- 2. Off-street parking lots shall provide perimeter parking lot landscaping adjacent to Major Pedestrian Routes which is a five (5) foot wide planting strip between the right-of-way or easement and the parking area. Planting strips shall be planted with trees at a minimum of 3" inch caliper and at a maximum of 30 feet on center. Additional landscaping shall contain evergreen plants, a solid fence or wall, or both which are not less than thirty-six (36) inches or more than forty-two (42) inches in height as measured from the sidewalk elevation. Other evergreen and deciduous plants and*

architectural features may be approved at any height. The planting strip may be designed to allow adequate access by pedestrians and vehicles.

FACTS AND FINDINGS:

The Code standards above are applicable to surface parking lots. The current application is for a mixed use parking building and surrounding landscape and public improvements only, and does not include a parking lot. As described in staff's findings for Section 20.20.60.E.1.G, in this report. Therefore, the Code standard affecting parking lots is not applicable.

3. *Parking structures located on Major Pedestrian Routes shall incorporate one or more uses, excluding parking, at ground level along that portion of the structure fronting onto such routes. Notwithstanding the adjustment process, a Design Variance may be granted during review and approval of a Design Review plan for either:*
 - a. *Semi-subterranean parking structures, provided that the height of such structures, or portions thereof, is not greater than three and one-half (3 1/2) feet above the elevation of the adjoining walkway or sidewalk and the structure, is architecturally and functionally incorporated into the design of the street, or*
 - b. *Where lot dimensions or the presence of multiple Major Pedestrian Routes make application of this standard impractical.*

FACTS AND FINDINGS:

The applicant's plans show that the parking garage is not located below grade, but is at the street level and upper levels. The primary use of ground floor building elevations is for retail space, and secondarily parking garage. The entrance and exit ramp for parking is located at the street level, on the south building elevation on the SW Millikan Way sidewalk. The parking entrance is not the primary use along the south building elevation, but is among the activities on that frontage which also include retail storefront and pedestrian entries. Therefore, the parking ramp would not dominate the use or appearance of Millikan Way, as a Major Pedestrian Route. Staff find that the design of parking garage meets applicable Code requirements.

4. *Phasing of Development Standards.*

Projects may use the Conditional Use Permit/Planned Unit Development process to develop a site, by phasing compliance with the development standards established

in this ordinance. Such projects must demonstrate in a master plan how future development of the site, to the minimum development standards established in this ordinance or greater, can be achieved at ultimate build out of the Master Plan.

FACTS AND FINDINGS:

The previous approval of (CUP 97005) Planned Unit Development (PUD) approval specifically approved the Outline Concept Plan and the Preliminary Development Plan for the entire development. PUD approval included the Cinema/Hotel/Parking/Retail complex, the site of the proposed Health Club Lofts building, as part of Phase 2. No additional PUD applications are necessary.

Condition #5 of CUP 97005 states that “the applicant has authority to construct any project element in any order as long as that sequencing is consistent with the terms of the DDA, and that applicable City standards are met by each element, or collectively by all elements constructed to date”.

Since the time of the PUD approval in 1997, the Development Code and Comprehensive Plan have changed substantially, notably including the establishment of the Regional Center Comprehensive Plan designation, Regional Center – Transit Oriented (RC-TO) zone, Major Pedestrian Routes and standards, parking standards consistent with Title 2 of the Metro Urban Growth Management Plan, and establishment of the Code’s Adjustment procedure.

Staff find that the proposal for the South Parking building is generally consistent with the PUD. Condition #5 of the CUP allowed for the construction of any of the approved elements of The Round, in any order, but also required that the elements meet the requirements of the DDA. The DDA is the three party development agreement between the City, the developer and property owners, which was amended in 2001 to reflect the new proposal for The Round by Dorn-Platz. The design of the current proposal is consistent with the amended DDA.

In addition, the proposal meets the current Development Code standards, except for building height on a Major Pedestrian Route. The applicant has submitted requests for approval of a Major Adjustment for height by the Board of Design Review. Therefore, in consideration of the Plan and Code changes, and with the previous approval of other applications, the South Parking building Design Review application can be approved as a stand-alone project because it meets the applicable Development Code standards, while remaining consistent overall with the approved PUD.

20.20.70 Minimum Residential Density

FACTS AND FINDINGS:

The standards for achieving minimum residential density in multiple-use zones apply only to the SC-MU, SC-HDR, SA-MU and SA-MDR zones. Therefore, the Code standard does not apply to developments located in the RC-TO zone.

Findings Summary for Conformance to Section 20.20 of the Development Code; as Required by Section 40.20.15.3.D.

The site is located within the RC-TO zone and abuts a Major Pedestrian Route. The proposed building is subject to the approval of Type 3 Design Review and a Major Adjustment to allow greater building height. Approval of these applications will satisfy the applicable RC-TO zoning standards and Major Pedestrian Route standards found under Section 20.20 of the Development Code.

FINDING: By satisfying conditions, requiring the approval of ADJ 2004-0013, and by meeting conditions that will limit the potential for adverse impacts due to building lighting, the location of underground heating/cooling system lines, and use of plant materials along pedestrian accessways, the proposal meets the applicable standards of Section 20.20 of the Development Code.

Recommendation

Based on the facts and findings presented, staff recommend **APPROVAL of DR 2004-0080 The Round; South Parking building**, subject to the conditions identified in Attachment D.